

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

FILED-CLERK
U.S. DISTRICT COURT

05 MAY 18 PM 3:16

TEXAS-EASTERN

JOHNNIE R. PROPE\$

§

BY _____

VS.

§

CIVIL ACTION NO. 4:03cv87

PLANO POLICE DEPARTMENT, ET AL. §

MEMORANDUM ORDER OVERRULING PLAINTIFF'S OBJECTIONS AND ADOPTING
THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Plaintiff Johnnie R. Propes, an inmate at the Boyd Unit, proceeding *pro se*, brought this civil rights suit pursuant to 42 U.S.C. § 1983 against the Plano Police Department, the Plano Police Department Detective Division; the Collin County Detention Facility; Mrs. Berry, the prosecuting district attorney; and HCA Hospital Emergency Room and doctors.

The court referred this matter to the Honorable Don D. Bush, United States Magistrate Judge, at Sherman, Texas, for consideration pursuant to applicable laws and orders of this court. The Magistrate Judge recommends that plaintiff's complaint be dismissed as frivolous and for failing to state a claim upon which relief may be granted.

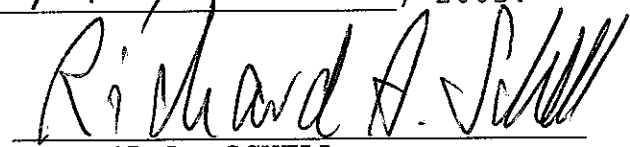
The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such order, along with the record, pleadings and all available evidence. Plaintiff filed objections to the Magistrate Judge's Report and Recommendation. This requires a *de novo* review of the

objections in relation to the pleadings and the applicable law. See FED. R. Civ. P. 72(b). After careful consideration, the court concludes Plaintiff's objections are without merit.

O R D E R

Accordingly, Plaintiff's objections are **OVERRULED**. The findings of fact and conclusions of law of the Magistrate Judge are correct and the report of the Magistrate Judge is **ADOPTED**. A final judgment will be entered in this case in accordance with the Magistrate Judge's recommendations.

SIGNED this 17th day of May, 2005.

A handwritten signature in black ink, appearing to read "Richard A. Schell", written over a horizontal line.

RICHARD A. SCHELL
UNITED STATES DISTRICT JUDGE